

EXHIBIT A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BELINDA JOHNSON, a single woman,

Plaintiff,

v.

TUESDAY MORNING, INC. a foreign
corporation, dba TUESDAY MORNING
TACOMA STORE, and J. Does 1-10,

Defendants.

NO.

(PIERCE COUNTY SUPERIOR COURT
21-2-07063-1)

DECLARATION OF EDDY SILVERMAN
IN SUPPORT OF NOTICE OF REMOVAL
BY DEFENDANT TUESDAY MORNING,
INC.

(CLERK'S ACTION REQUIRED)

I, Eddy Silverman, Esq., hereby declare and say:

1. That I am an attorney of the law firm of WILLIAMS, KASTNER & GIBBS
PLLC, and I am licensed to practice law in this Court.

2. I am over the age of eighteen and a U.S. citizen. I have personal knowledge of
the facts referred to in this Declaration and could competently testify to these facts if called
upon to do so in a court of law.

3. Along with Rodney L. Umberger, I represent TUESDAY MORNING, INC.
("Tuesday Morning") in the above captioned lawsuit, and I am making this Declaration in
support of Tuesday Morning's Notice of Removal to this Court.

DECLARATION OF EDDY M. SILVERMAN IN SUPPORT OF
TUESDAY MORNING, INC.'S NOTICE OF REMOVAL - 1

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

4. This declaration is identifiable as **Exhibit A** to Tuesday Morning's Notice of Removal.

5. Attached hereto as **Exhibit B** are true and complete copies of the Summons and Complaint filed in state court in this matter.

6. Attached hereto as **Exhibit C** are true and complete copies of all pleadings, records, and documents filed in the state court action.

I declare under penalty of perjury under the laws of the United States and of the State of Washington that the foregoing is true and correct.

Dated this 17th day of September, 2021, in Seattle, Washington.

WILLIAMS, KASTNER & GIBBS PLLC

By s/Eddy Silverman
Eddy Silverman, WSBA No. 53494

Counsel for Defendant Tuesday Morning, Inc.

DECLARATION OF EDDY M. SILVERMAN IN SUPPORT OF
TUESDAY MORNING, INC.'S NOTICE OF REMOVAL - 2

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

EXHIBIT B

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

BELINDA JOHNSON, a single woman,

Plaintiff,

NO.

v.

SUMMONS

TUESDAY MORNING, INC, a foreign corporation,
dba TUESDAY MORNING TACOMA STORE, and
J. Does 1-10;

Defendants.

TO THE DEFENDANTS:

A lawsuit has been started against you in the above-entitled court by the above-named Plaintiff. The Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against the lawsuit, you must respond to the Complaint by stating your defense in writing, and by serving a copy upon the undersigned attorneys for the Plaintiff within 20 days after the service of the Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the Plaintiff is entitled to what is asked for because you have not responded. If you serve a notice of appearance on the undersigned attorneys, you are entitled to notice before a default judgment may be entered.

SUMMONS

PAGE 1 of 2

Wattel & York, LLC
6314 19th St W Ste. 15
Fircrest, WA 98466-6223
Tel: (253) 471-1075
Fax: (253) 471-1077


1 You may demand that the Plaintiff file the lawsuit with the Court. If you do so, the demand
2 must be in writing and must be served upon the undersigned attorneys. Within 14 days after you
3 serve the demand, the Plaintiff must file this lawsuit with the Court, or the service on you of this
4 Summons and Complaint will be void.

5 If you wish to seek the advice of an attorney in this matter, you should do so promptly so
6 that your written response, if any, may be served on time.

7 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State
8 of Washington.

9 Dated this 9th day of August, 2021.

10 Wattel & York, LLC

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13 Zach J. Hansen, WSBA # 41827
14 Attorney for the Plaintiff
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24 SUMMONS

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Wattel & York, LLC
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

BELINDA JOHNSON, a single woman,

Plaintiff,

NO.

v.

COMPLAINT

TUESDAY MORNING, INC., a foreign corporation,
dba TUESDAY MORNING TACOMA STORE, and
J. Does 1-10;

Defendants.

The Plaintiff, Belinda Johnson, for her cause of action against the Defendants, and each of them, alleges as follows:

I. PARTIES, JURISDICTION & VENUE

1. The Plaintiff, Belinda Johnson, is now, and was at all times material hereto, a single woman, and resident of Pierce County, Washington.

2. Upon information and belief, the Defendant Tuesday Morning, Inc., dba Tuesday Morning Tacoma Store, is now and was at all times material hereto, a foreign corporation which operates retail stores and transacts business in Pierce County, Washington.

COMPLAINT

PAGE 1 of 4

Wattel & York, LLC
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1 3. Upon information and belief, Defendants J. Does 1-10, are natural persons whose
2 true identities are currently unknown to Plaintiff. These individuals may share some responsibility
3 for Plaintiff's injuries, and their identities are unknown to Plaintiff.

4 4. All acts and omissions alleged herein occurred in Tacoma, Pierce County,
5 Washington. Venue is proper in Pierce County.

6 **II. CLAIM FOR NEGLIGENCE AGAINST DEFENDANTS**

7 5. On or about July 14, 2020, plaintiff, Belinda Johnson, was a guest and business
8 invitee of Tuesday Morning, Inc. dba Tuesday Morning Tacoma Store, located at 3701 S Cedar
9 St, Tacoma, WA 98409. While at the facility, Plaintiff was injured when a heavy metal bar fell
10 from above her, striking her on the head and causing severe injuries.

11 6. Defendant Tuesday Morning, Inc. dba Tuesday Morning Tacoma Store, its owners,
12 managers, agents and/or employees J. Doe 1-10 owed Plaintiff a duty of care. This included a
13 duty to use reasonable care to maintain the shopping areas and walkways in a safe manner to
14 prevent the creation of a dangerous situation, a duty to use reasonable care to repair any dangerous
15 condition, a duty to warn of dangerous conditions, a duty to inspect for dangerous conditions, and
16 a duty to protect Plaintiff against known dangers.

17 7. Defendant Tuesday Morning, Inc. dba Tuesday Morning Tacoma Store, its owners,
18 managers, agents and/or employees J. Doe 1-10 breached their duties of care by creating a
19 dangerous condition and by failing to warn Plaintiff of the dangerous condition.

20 8. Defendants Tuesday Morning, Inc. dba Tuesday Morning Tacoma Store, its
21 owners, managers, agents and/or employees J. Doe 1-10 acted within the scope of their agency or
22 employment with Tuesday Morning, Inc. Defendant Tuesday Morning, Inc. is vicariously liable
23 for the acts or omissions of Defendants John Does 1-5.

1 to incur medical expenses and other expenses to be proved at the time of trial, all to her general
2 damage, in an amount now unknown.

3 WHEREFORE, the Plaintiff Belinda Johnson prays for judgment against the Defendants
4 Tuesday Morning, Inc. dba Tuesday Morning Tacoma Store, its owners, managers, agents and/or
5 employees J. Doe 1-10, and each of them, jointly and severally, in an amount that will fairly
6 compensate him for all damages sustained, costs and reasonable attorneys' fees, pre-judgment and
7 post-judgment interest calculated at the maximum amount allowable by law, and all other relief
8 the Court deems fair and just.

9 Dated this 9th day of August, 2021.

10 Wattel & York, LLC


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13 Zach J. Hansen, WSBA #41827
14 Attorneys for the Plaintiffs
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EXHIBIT C

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

BELINDA JOHNSON, a single woman,

Plaintiff,

NO.

v.

SUMMONS

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dba TUESDAY MORNING TACOMA STORE, and
J. Does 1-10;

Defendants.

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In order to defend against the lawsuit, you must respond to the Complaint by stating your defense in writing, and by serving a copy upon the undersigned attorneys for the Plaintiff within 20 days after the service of the Summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where the Plaintiff is entitled to what is asked for because you have not responded. If you serve a notice of appearance on the undersigned attorneys, you are entitled to notice before a default judgment may be entered.

SUMMONS

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6 that your written response, if any, may be served on time.

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9 Dated this 9th day of August, 2021.

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14 Attorney for the Plaintiff
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24 SUMMONS

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

BELINDA JOHNSON, a single woman,

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Defendants.

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COMPLAINT

PAGE 1 of 4

Wattel & York, LLC
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22 employment with Tuesday Morning, Inc. Defendant Tuesday Morning, Inc. is vicariously liable
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1 to incur medical expenses and other expenses to be proved at the time of trial, all to her general
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3 WHEREFORE, the Plaintiff Belinda Johnson prays for judgment against the Defendants
4 Tuesday Morning, Inc. dba Tuesday Morning Tacoma Store, its owners, managers, agents and/or
5 employees J. Doe 1-10, and each of them, jointly and severally, in an amount that will fairly
6 compensate him for all damages sustained, costs and reasonable attorneys' fees, pre-judgment and
7 post-judgment interest calculated at the maximum amount allowable by law, and all other relief
8 the Court deems fair and just.

9 Dated this 9th day of August, 2021.

10 Wattel & York, LLC

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13 Zach J. Hansen, WSBA #41827
14 Attorneys for the Plaintiffs
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The Honorable Garold E. Johnson

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

BELINDA JOHNSON, a single woman,

Plaintiff,

v.

TUESDAY MORNING, INC. a foreign
corporation, dba TUESDAY MORNING
TACOMA STORE, and J. Does 1-10,

Defendants.

NO. 21-2-07063-1

NOTICE OF APPEARANCE FOR
DEFENDANT TUESDAY MORNING,
INC.

TO: CLERK OF THE COURT; and

TO: COUNSEL FOR PLAINTIFF

PLEASE TAKE NOTICE that Defendant TUESDAY MORNING, INC. without
waiving objections as to improper service, venue or jurisdiction, hereby appear in the above
entitled cause by and through its attorneys, Williams, Kastner & Gibbs PLLC, and requests that
all further papers and pleadings herein, exclusive of original process, be served upon the
undersigned attorneys at the address stated below.

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NOTICE OF APPEARANCE FOR DEFENDANT TUESDAY
MORNING, INC. 1

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

1 DATED this 31st day of August, 2021.

2 WILLIAMS, KASTNER & GIBBS PLLC

3 /s/Eddy M. Silverman

4 Rodney L. Umberger, WSBA No. 24948

5 Eddy M. Silverman, WSBA No. 53494

6 Two Union Square

7 601 Union Street, Suite 4100

8 Seattle, WA 98101-2380

9 Phone: 206.628.6600

10 Fax: 206.628.6611

11 Email: rumberger@williamskastner.com

12 esilverman@williamskastner.com

13 *Counsel for Defendant Tuesday Morning, Inc.*

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NOTICE OF APPEARANCE FOR DEFENDANT TUESDAY
MORNING, INC. 2

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the date indicated below, I caused service of a true and correct copy of the foregoing document in the manner indicated below to:

Zach J. Hansen, WSBA 41827
Wattel & York, LLC
6314 19th ST W Ste. 15
Fircrest, WA 98466
Tel: (253) 471-1075
Email: z.hansen@wattelandyork.com

☒ U.S. Mail
☒ E-mail

Counsel for Plaintiff

Signed at Lynnwood, Washington this 31st day of August, 2021.

WILLIAMS, KASTNER & GIBBS PLLC

s/Catherine Berry
Catherine Berry, Legal Assistant
cberry@williamskastner.com

NOTICE OF APPEARANCE FOR DEFENDANT TUESDAY
MORNING, INC. 3

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600